

By: Raymond

H.B. No. 3291

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the offense of theft of pipeline
3 equipment, oil and gas equipment, oil, gas, or condensate and the
4 unauthorized purchase or sale of oil, gas, or condensate.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 31.03 (e)(6), Penal Code is amended to
7 read as follows:

8 (6) a felony of the second degree if:

9 (A) the value of the property stolen is \$100,000 or
10 more but less than \$200,000; [~~or~~]

11 (B) the value of the property stolen is less than
12 \$200,000 and the property stolen is an automated teller machine or
13 the contents or components of an automated teller machine;

14 (C) the value of the property stolen is \$10,000 or more
15 but less than \$200,000 and the property stolen is pipeline
16 equipment or oil and gas equipment as defined by Section 112.001,
17 Natural Resources Code; or

18 (D) the value of the property stolen is \$10,000 or more
19 but less than \$200,000 and the property stolen is oil or gas as
20 defined by Section 115.001, Natural Resources Code or condensate.

21 SECTION 2. Section 31.03 (f)(2), Penal Code is amended to
22 read as follows:

23 (f) An offense described for purposes of punishment by
24 Subsections (e)(1)-(6) is increased to the next higher category of

1 offense if it is shown on the trial of the offense that:

2 (4) the actor was a Medicare provider in a contractual
3 relationship with the federal government at the time of the offense
4 and the property appropriated came into the actor's custody,
5 possession, or control by virtue of the contractual relationship;
6 ~~or~~

7 (5) during the commission of the offense, the actor
8 intentionally, knowingly, or recklessly:

9 (A) caused a fire exit alarm to sound or
10 otherwise become activated;

11 (B) deactivated or otherwise prevented a fire
12 exit alarm or retail theft detector from sounding; or

13 (C) used a shielding or deactivation instrument
14 to prevent or attempt to prevent detection of the offense by a
15 retail theft detector; or

16 (6) the actor was in a contractual or employment
17 relationship with the owner of the oil, gas, condensate, pipeline
18 equipment, or oil and gas equipment at the time of the offense and
19 the oil, gas, condensate, pipeline equipment, or oil and gas
20 equipment was in the actor's custody, possession, or control by
21 virtue of the contractual or employment relationship.

22 SECTION 3. Section 85.389, Natural Resources Code is
23 amended to read as follows:

24 (b) A person who purchases or sells oil, gas or condensate
25 without first obtaining the required registration or permits from
26 the commission for the sale or purchase of oil, gas or condensate
27 commits an offense.

1 (c) [~~b~~] An offense under this section is a felony of the
2 second [~~third~~] degree.

3 SECTION 4. This Act takes effect September 1, 2015.